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Counsel for Defendant Chart Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER
LITIGATION

Case No. 3:18-cv-01586-JSC

**DECLARATION OF KEVIN M.
RINGEL IN SUPPORT OF
DEFENDANT CHART INC.'S
MOTION TO EXCLUDE
PLAINTIFFS' EXPERT DR.
ELIZABETH GRILL**

Date: March 4, 2021
Time: 9:00 a.m.
Judge: Hon. Jacqueline Scott Corley
Place: Zoom

1
2 I, Kevin M. Ringel, declare as follows:

3 1. I am a partner at the law firm of Swanson, Martin & Bell, LLP, which is counsel
4 of record for Defendant Chart Inc. I am an attorney admitted to practice in the State of Illinois
5 and am admitted *pro hac vice* before this Court. I submit this declaration in support of Chart's
6 Motion to Exclude Plaintiffs' Expert Dr. Elizabeth Grill (Motion). I have personal knowledge of
7 the matters stated herein.
8

9 2. Attached hereto as **Exhibit A** is a true and correct copy of the transcript of the
10 November 18, 2020 deposition of Dr. Elizabeth Grill, taken in this action with the court
11 reporter's signed certification.
12

13 3. Attached hereto as **Exhibit B** is a true and correct copy of Dr. Grill's Expert
14 Report dated November 6, 2020.

15 4. Attached hereto as **Exhibit C** is a true and correct copy of the transcript of the
16 December 12, 2020 deposition of Dr. Angela Lawson, taken in this action with the court
17 reporter's signed certification.
18

19 5. Attached hereto as **Exhibit D** is a true and correct copy of Dr. Lawson's Expert
20 Rebuttal Report dated December 4, 2020.

21 6. Attached hereto as **Exhibit E** is a true and correct copy of the *American*
22 *Psychological Association (APA) Specialty Guidelines for Forensic Psychology* (2013). This
23 document is publically available at the following link:
24

25 <https://www.apa.org/pubs/journals/features/forensic-psychology.pdf>

26 7. Attached hereto as **Exhibit F** is a true and correct copy of the *American*
27 *Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct*
28

(2017). This document is publically available at the following link:

<https://www.apa.org/ethics/code/ethics-code-2017.pdf>

8. Attached hereto as **Exhibit G** is a true and correct copy of the literature titled *A Review of Approaches to Detecting Malingering in Forensic Contexts and Promising Cognitive Load-Inducing Lie Detection Techniques*. *Front Psychiatry* by Jeffrey J. Walczyk, Nate Sewell, and Meghan B. DiBenedetto. This document is cited in Dr. Lawson's rebuttal report. See Ex. D at footnote 6.

9. Attached hereto as **Exhibit H** is a true and correct copy of the article published in the *Journal of Consulting Psychology* titled *Overconfidence in case-study judgments* by Stuart Oskamp. This document is cited in Dr. Lawson's rebuttal report. See Ex. D at footnote 7.

10. Attached hereto as **Exhibit I** is a true and correct copy of the manuscript titled *To freeze or not to freeze: a decision regret and satisfaction following elective oocyte cryopreservation* by Eleni A. Greenwood, M.D., M.Sc., Lauri A. Pasch, Ph.D., Jordan Hastie, B.S., Marcelle I. Cedars, M.D., and Heather G. Huddleston, M.D. This document was marked as Exhibit 438 to Dr. Lawson's December 12, 2020 deposition in this action. Dr. Lawson testified that she was familiar with the manuscript and identified it. See Ex. C at 155:17-22.

11. Attached hereto as **Exhibit J** is a true and correct copy of the article titled *Prospective study of depression and anxiety in female fertility preservation and infertility patients* by Angela K. Lawson, Ph.D., Susan C. Klock, Ph.D., Mary Ellen Pavone, M.D., Jennifer Hirshfeld-Cytron, M.D., Kristin N. Smith, B.S., and Ralph R. Kazer, M.D. This document is cited in Dr. Lawson's rebuttal report. See Ex. D at footnote 17.

12. Attached hereto as **Exhibit K** is a true and correct copy of a committee opinion titled *Planned oocyte cryopreservation for women seeking to preserve future reproductive*

1 *potential: an Ethics Committee Opinion* by the Ethics Committee of the American Society for
2 Reproductive Medicine. This document was marked as Exhibit 437 to Dr. Lawson's December
3 12, 2020 deposition in this action. Dr. Lawson testified that she was familiar with the committee
4 opinion and identified it. See Ex. C at 144:20.

5 13. Attached hereto as **Exhibit L** is a true and correct copy of an article titled *The*
6 *risks of selective serotonin reuptake inhibitor use in infertile women: a review of the impact on*
7 *fertility, pregnancy, neonatal health and beyond* by A.D. Domar, V.A. Moragianni, D.A. Ryler,
8 and A.C. Urato. This document is cited in Dr. Lawson's rebuttal report. See Ex. D at footnote 8.

9 I declare under penalty of perjury under the laws of the United States that the foregoing
10 in true and correct, and that this declaration was executed this 22nd day of December, 2020, in
11 Chicago, Illinois.
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15 By: /s/ Kevin Ringel
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